

OTION FILE
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No. 82-1295

IN THE
Supreme Court of the United States
October Term, 1982

ESCAMBIA COUNTY, FLORIDA, *et al.*,
Appellants,

v.

HENRY T. McMILLAN, *et al.*,
Appellees.

ON APPEAL FROM THE UNITED STATES COURT OF
APPEALS FOR THE FIFTH CIRCUIT

**MOTION FOR LEAVE TO FILE AND BRIEF OF
AMICI CURIAE STATE ASSOCIATION OF COUNTY
COMMISSIONERS OF FLORIDA, INC. AND THE
UNDERSIGNED NON-CHARTER COUNTIES OF
THE STATE OF FLORIDA IN SUPPORT OF APPEAL**

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(i)

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COUNTIES OF THE STATE OF FLORIDA FOR
LEAVE TO FILE AMICI CURIAE BRIEF
IN SUPPORT OF APPEAL**

Pursuant to Rules 36.1, .4 of the Rules of this Court, the State Association of County Commissioners of Florida, Inc. ("SACC") and the undersigned, non-charter counties of the State of Florida, through counsel, respectfully request leave to file the accompanying amici curiae brief in support of the appeal of appellants Escambia County, Florida ("Escambia") and the members of the Escambia

Board of County Commissioners ("County Commission") in the above-captioned action.

The SACC is a non-profit, charter organization comprised of county commissioners which represents the interests of county commissions and county commissioners. Amici curiae non-charter Florida counties are governed by the same state constitutional and statutory provisions which heretofore have governed Escambia, also a non-charter county. Amici curiae, therefore, have an interest in, and are impacted directly by, the Fifth Circuit's decision (1) invalidating, as applied to elections to the County Commission, Florida's constitutional requirement of at-large elections and (2) interpreting the state constitutional and statutory provisions which provide powers to non-charter county commissions, *McMillan v. Escambia County, Florida*, 688 F.2d 960 (5th Cir. 1982).

This is primarily a vote dilution case under the fourteenth amendment to the United States Constitution.

When sworn into office, all Florida county commissioners take an oath to uphold the Florida Constitution and statutes. The undersigned amici curiae firmly believe in the equality of all voters without regard to race, color or creed, and urge the Court that the state constitutional provision requiring at-large elections are not violative of the fourteenth amendment to the United States Constitution.

Under the decisions of this Court cited in the accompanying brief, the specific facts of a case determine the constitutional question whether the political process in issue unconstitutionally dilutes particular voters' votes. The Fifth Circuit did not heed this Court's decisions, and, instead, viewed the decision in *Rogers v. Lodge*, ___ U.S. ___, 102 S.Ct. 3272 (1982), as controlling the outcome of the instant suit, irrespective of the difference in facts and

state constitutional and statutory laws between Burke County, Georgia and Escambia. For example, on the vital issue of discriminatory intent, unlike *Rogers*, appellants herein presented direct, personal testimony of the absence of such intent, and appellees offered no evidence to rebut this testimony.

Significant to this Court's evaluation of the vote dilution claims in *Rogers* was its view of Georgia law and the quality of life, as manifested by the existing socio-economic conditions in Burke County. These factors, therefore, are important to this case, and, in compliance with Rule 36.3, the undersigned amici curiae will supply new facts and argument in support of appellants.

In addition to the vote dilution aspect of this case, the Fifth Circuit's decision interprets Florida's Constitution and statutes in a manner which is directly contrary to the Florida Supreme Court's interpretation of those powers. Specifically, the Fifth Circuit held that the Florida Constitution limits the powers of non-charter county commissions to those powers expressly authorized by statute, and that, therefore, following a decision invalidating an at-large election system, these county commissions lack the power to adopt a remedial election system. This portion of the Fifth Circuit's decision was not dependent at all on the facts surrounding elections to the County Commission, and, as a result, is applicable to all non-charter county commissions throughout Florida. Again, amici curiae are vitally concerned with the impact the Fifth Circuit's decision is likely to have, and have provided additional facts and argument in support of appellants' position.

If allowed to stand, the Fifth Circuit's decision will affect vote dilution cases not only in Florida but throughout the entire United States.

This brief is sponsored under Rule 36.4 of the Rules of this Court by the undersigned authorized law officers of the named county, political subdivisions of Florida which have signed and desire to appear as amici curiae in support of appellants.

All counsel for appellees refused a request for their consent to the filing of the accompanying amici curiae brief; counsel for appellants consented to the filing of the brief. A copy of the refusals and the consent has been filed with the Clerk of this Court.

For the foregoing reasons, amici curiae request leave to file the accompanying amici curiae brief in support of appellants' appeal.

Respectfully submitted,

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STATEMENT OF INTEREST OF AMICI CURIAE

The interests of amici curiae are set forth in the preceding motion for leave to file this brief at i.

SUMMARY OF ARGUMENT

This case involves the equality of votes which must be accorded voters in Escambia under the fourteenth amendment to the United States Constitution and the power of a federal court to impose a court-ordered remedial election system in lieu of allowing a county commission opportunity to adopt such a system, where Florida's Constitution and statutes grant county commissions broad powers and do not prohibit them from adopting remedial election systems.

In *McMillan v. Escambia County, Florida*, 688 F.2d 960 (5th Cir. 1982), the Fifth Circuit affirmed a district court decision holding unconstitutional Florida's constitutional requirement of at-large elections of Escambia's county commissioners.¹ The Fifth Circuit based its affirmance on this Court's decision in *Rogers v. Lodge*, ___ U.S. ___, 102 S.Ct. 3272 (1982). However, the court failed to recognize the tremendous difference in facts between this case and *Rogers*. The first part of this brief compares Escambia and Burke County, Georgia ("Burke"), the county which was sued in *Rogers*, and discusses how the Fifth Circuit's failure to account for the differences between Escambia and Burke led to its erroneous decision.

¹The provisions of the Florida Constitution and statutes which are in issue are reprinted in Appendix E to appellants' Jurisdictional Statement at 123a - 129a.

The second part of this brief shows why the remedy the Fifth Circuit affirmed was erroneous. That court concluded that the powers of non-charter county commissions are limited to those specifically authorized by state law, and that, therefore, the County Commission lacked the power to adopt a remedial election system. This view of the powers of non-charter commissions is entirely incorrect. Non-charter county commissions have broad home rule powers which allow them to act unless the Florida Legislature has preempted the subject of the proposed action. Because the Florida Legislature has not preempted the area, non-charter county commissions, under the circumstances of this case, may enact remedial election systems.

ARGUMENT

I. **FACTUAL COMPARISON OF BURKE COUNTY, GEORGIA AND ESCAMBIA COUNTY, FLORIDA.**

A. **The Ingredients of Discriminatory Intent Under the Fourteenth Amendment.**

The facts of Burke present a picture of "old" South segregation while those of Escambia present a picture of an area which has grown out of that situation. Having come so far toward equality of treatment of all residents, Escambia is not covered by the Voting Rights Act of 1965, Pub. L. No. 89-110, 79 Stat. 437 (codified as amended at 42 U.S.C. §§ 1971, 1973 to 1973bb-1 (1976), *as amended* by Pub. L. No. 97-205, 96 Stat. 131) and equality is the rule rather than the exception in the life of Escambia's citizens today. The profile of Burke painted in *Rogers* stands in sharp contrast to that of suburbanized, urbanized Escambia with its modern, county manager government.

It is the position of amici curiae that it is unfair in effect to judge Escambia on the Burke record as the Fifth Circuit did in vacating the opinion and decision it announced in *McMillan v. Escambia County, Florida*, 638 F.2d 1239 (5th Cir. 1981) and substituting the decision appealed herein, *McMillan v. Escambia County, Florida*, 688 F.2d 960 (5th Cir. 1982).

Amici curiae adopt the facts and law stated in appellants' Jurisdictional Statement with the additions stated herein. These additions are believed to require consideration by this Court because the district court relied so much on the constantly referred to "aggregate" of ancient history and past conditions rather than current facts. Finally, in its intermesh of discussion of the Pensacola City Council, the Escambia School Board and the County Commission, the district court concluded that, even in its "aggregate" approach, the preponderance of evidence was not "overwhelmingly" favorable to appellees as clearly was the case in *Rogers*.

The district court in this case concluded:

Because this county and this city have made so much progress in complying with the commands of the Constitution and the law in recent years, this case is not an easy one to decide.

The conclusion impelled and reached is that at least the preponderance — though not an overwhelming preponderance — of the evidence supports Plaintiffs' contentions so that judgment must be entered for them.

McMillan v. Escambia County, Florida, PCA No. 77-0432, typescript op. at 35 (N.D. Fla. July 10, 1978) (Memorandum Decision). The district court's conclusion in *McMillan* is to be compared with this Court's observa-

tion in *Rogers*: "The Court of Appeals also held that the District Court's findings not only were not clearly erroneous, but its conclusion that the at-large system was maintained for invidious purposes was 'virtually mandated by the overwhelming proof.'" 102 S.Ct. at 3275.

Assuming arguendo the discriminatory intent required to be proved in this fourteenth amendment vote dilution case is the intent of officials of Escambia, it seems to amici curiae that prior decisions of this Court require reversal of the decision of the Fifth Circuit because Escambia's County Commissioners denied any such intent and appellees offered no evidence to rebut this direct testimony. See *Moore v. Chesapeake and Ohio Railway*, 340 U.S. 573 (1951). In its initial opinion in this case, the Fifth Circuit "reviewed the testimony . . . and found no evidence of racial motivation by the County Commissioners in retaining the at-large system." *McMillan v. Escambia County, Florida*, 638 F.2d at 1245 (5th Cir. 1981). No new evidence was presented in the motion for rehearing, and the Fifth Circuit in its opinion on rehearing did not weigh this finding along with the many additional facts in the findings of the district court which demonstrate that the Fifth Circuit's first opinion was correct. The second opinion, which is based largely on inferences and circumstantial matters from selected parts of the record and ancient history, misconstrues the principles of *Rogers* as applied to the facts and law applicable to Escambia in this case.

The district court's findings have been addressed by appellants but amici curiae wish to refer to and to emphasize the Commissioners' testimony that they rejected the single-member district proposals for good government reasons and acted to uphold their oath of office to support the Florida Constitution's requirement of at-large elections

and not to dilute the vote of any citizen of Escambia— Transcript at 1478, 1501, 1517-18, 1558-59 (testimonies of Commissioners Beck, Kelson, Deese and Kenney respectively). The district court cited the present equality of access to the election process and the absence of slating organizations, inaccurately found racially polarized voting and that such voting was “rendering an otherwise neutral electoral system constitutionally infirm,” *United Jewish Organizations of Williamsburgh, Inc. v. Carey*, 430 U.S. 144, 157 (1977), praised the responsiveness of the Commissioners to the needs of blacks, cited the Commissioners’ efforts in affirmative action programs “in employment and public recreation as impressive,” referred to the fact that “the Commissioners listen to and act upon requests and complaints of blacks,” and recognized that “[t]here was no significant discrepancy shown between service to blacks and whites.” *McMillan v. Escambia County, Florida*, PCA No. 77-0432, typescript op. at 10, 15 (N.D. Fla. July 10, 1978).

Amici curiae most respectfully urge that the *Rogers* inference rule should work both ways and that the concrete, proven facts and the inferences derived therefrom regarding good government ideas and intentions should be held to confirm and to support the County Commissioners’ testimony to the fact that their actions on the proposals for single-member district elections were for good government purposes and were not taken for discriminatory reasons.

Escambia’s form of commission government with commissioners’ being elected at-large was created under the Florida Constitution for racially neutral, good government purposes to eliminate evils then existing in the ward electoral system. See *McGill v. Gadsden County Commission*, 535 F.2d 277, 280-81 (5th Cir. 1976).

The commission form of government first was created in Galveston, Texas in 1900. Within twenty years it had spread rapidly to approximately 500 cities and other local governments in the North as well as in the South. It is now employed by approximately 540 local governments across the Nation. Commission government is founded upon two fundamental principles. First, its structure is designed to foster corporate management-type efficiency of operation through the creation of clear lines of known public responsibility for specific aspects of the government's affairs. Woodruff, *City Government by Commission* 29 (1911). Second, every voter is a constituent of each commissioner, which alleviates the "ward-heeling" and "logrolling" that characterized the aldermanic or councilmanic systems in the early 1900's.² As one political scientist of the time stated:

[U]nder the ward system of representation, the ward receives attention, not in proportion to its needs, but to the ability of its representatives to 'trade' and arrange 'deals' with fellow members. The pernicious system of logrolling results.

'To secure one more arc light in my ward, it was necessary to agree to vote for one more arc in each of the other seven wards;' said a former councilman, 'the City installed and paid for eight arc lamps when only one was needed! So with sewer extensions, street paving and grading and water mains.' Nearly every City under the alder-

²Political scientists attribute the relative decline in adoption by governments of the commission form to the rise of council-manager government, founded upon the essentially same premises, which also depends upon at-large voting to assure that officials maintain a city-wide perspective. McCandless, *Urban Government and Politics* 168 (1970); see also *City of Mobile, Ala. v. Bolden*, 446 U.S. 55, 65 (1980).

manic system offers flagrant examples of the vicious method of 'part representation.' The Commission form changes this to representation of the City as a whole.

Bradford, *Commission Government in American Cities* 165 (1911).

A large majority of municipalities in the United States conduct elections at-large. See *City of Mobile, Alabama v. Bolden*, 446 U.S. 55, 60 n.7 (1980). Therefore, the belief by Escambia's County Commissioners that at-large elections provide the best form of good government is also the belief of a large majority of the residents of municipalities in the United States. That there are continuing fears that a ward or district system will return the County Commission to the same evils also supports the view of the Commissioners that the at-large system is the best form of government for Escambia. See Appendix A.

Assuming discriminatory intent could be the overall intent of the people of the whole county such as was shown by the example of the segregated laundrymat owner in Burke (Jurisdictional Statement at 77a, 94a, *Rogers*) and the anti-black prejudice which pervades that County according to the record as reported in this Court's *Rogers* opinion, then the overall treatment of blacks by the people of Escambia and the quality of life its socio-economy offers its residents must be considered in establishing the constitutional law on intent in this case. Hence, amici curiae present in this brief the socio-economic facts giving the overall picture of "life" in Escambia, entitled "Community Profile 1981-82," Appendix B, and the "Economic Profile of Burke County, Georgia," Appendix C.³

³That these are not equal profiles and few new references are given to facts describing Burke County beyond those referred to in *Rogers* is due either to their non-existence or to amici curiae's inability, after

This Court in *Rogers* quoted with approval a statement by the Fifth Circuit in *Nevett v. Sides*, 571 F.2d 209 (5th Cir. 1978): "The task before the fact finder is to determine whether under all the relevant facts, in whose favor the 'aggregate' of the evidence preponderates, this determination is peculiarly dependent upon the facts of each case." 102 S.Ct. at 3278 (quoting *Nevett*, 571 F.2d at 224). This statement has led amici curiae to present not only Appendices B and C but also the following comparison between the highlights of the major facts which appeared to impact this Court's opinion in *Rogers* and the facts concerning Escambia.

B. Population Trends and Area.

The downtrodden, poverty ridden, predominately agricultural picture of Burke is set forth by this Court in its opinion in *Rogers*. 102 S.Ct. at 3279-80. Small wonder that the Court cited as significant the drop in total population in Burke between 1930 and 1980, from 29,224 to 19,349, and the steadily diminishing percentage of blacks over the last 50 years. *Id.* at 3274 n.2.

In contrast, Escambia is a suburban and urban area which has grown from 53,394 in 1930 to 233,794 in 1980, Bureau of the Census, U.S. Dept. of Commerce, PC 80-1-B11, 1980 Census of Population — Florida 15 (1982). The largest city in Escambia is Pensacola with 57,619 residents in 1980. *Id.* at 35. The largest city in Burke, Waynesboro, had 5,790 residents in 1980. Bureau of the Census, U.S. Dept. of Commerce, PC80-1-A12, 1980

great effort, to secure them. Because this Court has recently reviewed the record in *Rogers*, we will not repeat the detail given therein. Amici curiae has set forth the new facts which they obtained from the officials of the State of Georgia.

Census of Population — Georgia 12 (1982). Burke has 833 square miles of area, *Id.*, while Escambia has 661 square miles, Bureau of the Census, U.S. Dept. of Commerce, PC 80-1-A11, 1980 Census of Population — Florida 8 (1982).

C. Commerce and Industry: Socio-Economic Facts.

As noted in *Rogers*, Burke is a predominately agricultural area. 102 S.Ct. at 3274. Other information on Burke County confirming the facts set forth in *Rogers* is provided in Appendix C. Appendix B to this brief details the tremendous government, finance, business, port and industrial socio-economic activity in the Escambia community.

Amici curiae submit that the kind of socio-economic quality of life Escambia obviously offers its citizens does not show the poverty-depressed, segregated quality of life shown in the "aggregate" of the record in *Rogers* for blacks in Burke. As reflected in Appendix B, Escambia's socio-economic picture is outstanding, and blacks residing therein are not proven to lack the benefits thereof. This is a major distinction when considering how unfair it is to apply *Rogers* principles enunciated in the context of the facts of Burke, and Georgia as a whole, on discriminatory maintenance to the very different facts in Escambia.

As indicated in Appendix C, there are four banks now in Burke with total assets of \$62,600,000 and one savings and loan institution with total assets of \$321,900,000. Appendix B to this brief reports 12 banks in Escambia County with 35 locations and total deposits of \$506,680,000 and debits of \$1,984,659,800; savings and loan associations have 14 locations and deposits totaling \$443,534,000.

There are also 28 credit unions with assets of \$292,500,000.

The federal government, with 10,900 employees in Escambia,⁴ and state and local governments, with 14,800 employees, are the largest employers in Escambia. Other employers and the number of their employees are listed in Appendix B along with many socio-economic facts not in the record herein but which amici curiae believe will be helpful in judging the "aggregate" evidence pertaining to the absence of discriminatory intent applicable to this appeal under the principles set forth in *Rogers* and *Bolden*.

D. Public and Official Treatment of Blacks.

Internal, hostile, racial discrimination in Burke, as disclosed by the record in *Rogers*, does not pervade in Escambia. There was evidence that blacks openly are called "niggers" in Burke County Commission meetings. Brief of Appellees at 14, *Rogers*. No such evidence is in the Escambia record. The "colored" and "white" signs on courthouse restroom doors and the "nigger hook" on the water fountain in the Burke courthouse, Jurisdictional Statement at 74a, 75a, 94a, *Rogers*, also are not present in Escambia. The intense public hostility toward blacks emphasized in *Rogers* does not exist in Escambia. No segregated laundrymat, *Id.* at 94a, 97a, or other segregated facility is referred to in the record in this case.

E. Educational Institutions.

In *Rogers*, this Court and the district court stressed the lack of educational facilities in Burke as a factor proying

⁴There is a total of over 24,000 military and civilian government personnel earning over 297 million in payroll annually. See Appendix B at 11a-12a.

discriminatory intent. 102 S.Ct. at 3280. No such facts appear in the *Escambia* record. As shown in Appendix C, Burke has the following educational institutions:

- 6 elementary schools
- 1 junior high school
- 2 high schools
- no institutions of higher learning.

In contrast, Appendix B reveals that Escambia has the following educational institutions:

- 42 elementary schools
- 11 middle schools
- 8 high schools
- 21 private and parochial schools.

University of West Florida, enrollment 5,000
 University of West Florida, graduate schools
 Pensacola Junior College, enrollment 19,958
 2 private 4-year colleges: Liberty Bible College and
 Pensacola Christian College.

Significantly, the record does not show that these facilities are not available equally to blacks and whites.

F. Voting Processes.

Until the *Rogers* case was filed, all voters in Burke had to register to vote at the County Courthouse. This had been made an almost shameful process for blacks. The district court found no such facts in Escambia. In fact, an intense county-wide registration program is undertaken before each election. *McMillan v. Escambia County, Florida*, PCA No. 77-0432, typescript op. at 10 (N.D. Fla. July 10, 1978). The fact that, according to the district court's findings, blacks are 17% of the registered voters and 19.7% of the population and that 66.9% of eligible

blacks have registered to vote as compared to 69.7% of eligible whites, *Id.*, demonstrates that there is no discrimination whatsoever in Escambia in this vital area.

II. Appellees Failed To Prove that the Escambia At-Large Election System Is Being Maintained for Discriminatory Purposes.

The denial by Escambia's County Commissioners that discriminatory considerations were the reason they favored retention of the at-large election system has been referred to at 5-6 *supra*. The Commissioners' many actions supporting this fact are replete throughout the record. In upholding the Commissioners' testimony as controlling on this issue, the Fifth Circuit recognized that "the desire to retain one's incumbency unaccompanied by other evidence ought not to be equated with an intent to discriminate against blacks *qua* blacks." *McMillan v. Escambia County, Florida*, 638 F.2d at 1245; *see also Rogers*, 102 S.Ct. at 3292 (Stevens, J. dissenting). In its opinion on rehearing, the Fifth Circuit noted that it was "not depart(ing) from our prior conclusion that desire to maintain incumbency does not equal discriminatory intent". *McMillan v. Escambia County, Florida*, 688 F.2d at 969 n.19.

This testimony by the Commissioners coupled with the favorable district court findings discussed above and the tremendous amount of evidence in the record showing the sensivity and responsiveness of the Commissioners to the needs of blacks certainly buttress the proof that the Commissioners harbored no intent to maintain the at-large election system for invidious or discriminatory purposes and warrant no inference to the contrary.

The district court's findings range over the acts of three governments, and it is not always easy to separate out

part, relating solely to the County Commission. More than two-thirds of the record in this case is devoted to the Pensacola City Council and the Escambia School Board. No incidents of specific County Commission alleged discrimination are contained in the record other than its actions on the charter proposals referred to above. The district court's conclusion that the case was difficult to decide because the preponderance of the evidence was not "overwhelmingly" against the three sets of defendants in the jointly tried case must be weighed against the favorable findings the district court also made as to Escambia and the County Commission; and the references to past history do not have the same relevance or impact as present intent proven by acts done. The Fifth Circuit on rehearing would "in the manner of original sin," *Bolden*, 446 U.S. at 74 (1980) (plurality opinion), use old history the Commissioners did not make to condemn Commissioners who today obviously operate a governmental system to the equal benefit of blacks and whites.

In contrast to the evidence in *Rogers* as to Burke, the "aggregate" of proof in this case as to the County Commission shows conclusively that the at-large election system is not being maintained for discriminatory reasons. Accordingly, amici curiae respectfully urge that, under *Rogers*, the "aggregate" of facts in this case did not require the Fifth Circuit either to grant rehearing or to change its original opinion.

III. The Florida Constitution and Statutes Provide Non-Charter County Commissions the Power To Adopt Remedial Election Systems.

Based on its adoption of Justice White's analysis in *Wise v. Lipscomb*, 437 U.S. 535 (1978), the Fifth Circuit

addressed the issue of whether the County Commission has the power to adopt a remedial election system, and concluded that the Commission does not possess such power because the Florida Constitution expressly limits the legislative powers of county commissions to those specifically authorized by state law. *McMillan v. Escambia County, Florida*, 688 F.2d at 972. This interpretation of Florida law is the exact opposite of what Florida law actually provides.

In their Jurisdictional Statement, appellants established that, rather than limiting powers of non-charter county commissions, Fla. Const. art. VIII, § 1(f); Fla. Stat. § 125.01 (1981) provide these county commissions with broad home rule powers. Jurisdictional Statement at 26-29. In addition to the authorities cited by appellants, additional authorities confirm appellants' construction of Florida law.

For example, commenting on the 1968 amendments to Florida's Constitution, one commentator wrote that "[t]he 1968 revision of the Florida Constitution embodied the most fundamental change in the relationship of the state and local governments in the state's history." Sparkman, *The History and Statutes of Local Government Powers in Florida*, 25 U. Fla. L.Rev. 271, 271 (1973). With respect to the home rule powers afforded by these changes to Florida's Constitution, this commentator also observed:

These changes to article III [of the Florida Constitution], while not directly bearing on home rule powers, represent a significant narrowing of the scope of permissible general laws of local application Taken in conjunction with the new home rule provisions, they fit into an over all design to take local decisions out of the legislature and put them into the hands of

local officials who are in closest contact with the people affected.

A NEW CONSTITUTIONAL ARTICLE ON LOCAL GOVERNMENT

The heart of home rule in Florida is now found in subsections 1(f), 1(g), and 2(b) of article VIII. The subsections apply to non-charter counties, charter counties and municipalities respectively.

* * * *

No significant changes in the statutes were made in 1970, but the home rule thrust was continued in 1971 with the passage of a broad county home rule bill The intent was to clarify and expand the home rule powers of counties and to encourage counties to exercise them.

. . . Thus, chapter 71-14 [codified as amended at Fla. Stat. § 125.01 (1981 & Supp. 1982)] is significant as the first act of home rule implementing legislation to address itself to the elimination of preexisting detailed authorizing legislation, passed under earlier philosophies, that could be restrictive under the constitutional limitations on home rule. In addition, as in other home rule legislation, there is a specific direction that the act is to be liberally construed to secure the broad exercise of home rule powers.

Another significant point about the act is that it draws no distinction between charter and non-charter counties, evidencing a legislative intent to provide the fullest possible extent of home rule powers for all counties. The range and scope of the powers enumerated by the new law are so broad and comprehensive as to encompass all

readily and imaginable local government concerns. The role of chapter 71-14 in the home rule scheme is such that it has been described as 'in fact and intent, a legislative charter for a non-charter county.'

Id. at 289-90, 297-98 (footnotes omitted).

Similarly, another commentator concluded: "The general thrust of the [1968] revision [to Florida's Constitution] is to increase local autonomy Implementing legislation has granted broad powers, both to charter and non-charter counties" Levinson, *Florida Constitutional Law*, 28 U. Fla. L.Rev. 551, 586-87 (1974) (footnote omitted).

More recently, Florida's Attorney General has expressed his concurrence in views of the above commentators and appellants. In response to a request for an opinion on certain powers of non-charter counties under Fla. Const. art VIII, § 1(f); Fla. Stat. § 125.01, the Attorney General advised:

I am compelled to conclude that § 125.01, F.S., implements the provisions of Art. VIII, § 1(f), State Const., granting non-charter counties the full power to carry on county government. Thus, as the court stated in *Speer v. Olson*, 367 So. 2d 207 (Fla. 1978)⁵, unless the Legislature has preempted a particular subject relating to county government by either general or special law, the governing body of a county, by reason of § 125.01, has the authority to act through the exercise of its home rule powers. To the extent that previous opinions of this office are to the contrary, they are hereby superseded and modified.

⁵The *Speer* case is discussed in the Jurisdictional Statement at 28-29.

Op. Att'y Gen. 081-48, 7-8 (1981).

The only conclusion to be drawn from the above, additional authorities confirms that non-charter counties have broad powers and may legislate in those areas which have not been preempted by the Florida Legislature. The Legislature has not sought to preclude non-charter county commissions from adopting remedial election systems under the circumstances of this case, and the courts below erred in holding to the contrary.

CONCLUSION

For the foregoing reasons, the issues presented by this case are of enormous importance to the majority of local governments throughout Florida and the entire Nation whose officials are elected at-large, and this Court should note probable jurisdiction.

Respectfully submitted,

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APPENDIX A**THE PENSACOLA NEWS
VIEWPOINT**

Clifford W. Barnhart, Publisher

J. Earle Bowden, Editor

Paul Jasper, Editorial Page Editor

8A

Wednesday, December 8, 1982

BACK TO THE OLD SYSTEM

NO MATTER what Pensacola City Council election plan is adopted by U.S. District Judge Winston Arnow, it's almost certain to be better than the one he will adopt for the Escambia County Commission.

For the city plan, however gerrymandered to work out three special "black" districts, at least incorporates a vestige of the idea that a governing body should represent the entire community, not each individual representing a single district.

The civil suit settlement between the city and the plaintiffs — who contended, victoriously, that the old at-large election system unconstitutionally diluted the black vote — provides there will be seven single-member district seats and three at-large seats.

The hope is that the three at-large seats, representing the whole community, can offset the kind of district-by-district trading that brought the ward system into disrepute in the first place.

Yet there seems to be no such hope insofar as the County Commission is concerned.

Though the county's case is still on appeal to the U.S. Supreme Court, the higher courts have told Arnow to proceed with the elections here on the basis that the at-large system is unconstitutional.

At least one commissioner seemed to be entertaining some hope that Judge Arnow would approve a county plan calling for an expanded commission with a couple of at-large commissioners.

The judge, in fact, tentatively approved such a plan two years ago — but only on the contingency that the county go to charter government.

But the charter government proposal did not pass.

The rationale for Arnow's position, as news stories had it at the time, is this:

The City Council working under a charter, has the authority to reapportion itself.

The County Commission, without a charter, does not.

Thus, under a U.S. Supreme Court ruling of 1979, Arnow was required to give "considerable weight" to the city's seven-three plan.

But, said the news stories, he had "no choice" but to go to a five-member single-district plan for Escambia County absent a county charter.

Which, unless the court has made another ruling while we weren't looking, seems to put paid to having *any* at-large commissioners.

And it's a shame.

The County Commission, everyone admits, was not designed to be discriminatory, however discriminatory its effects.

It was adopted so that people all over the county would have a hand in electing the five commissioners whose decisions affect them all — and, at that, this newspaper spent years persuading them to act accordingly.

It won't happen overnight, probably, but we can see the day not far down the road when "road-board politics" will once again become a familiar phrase.

APPENDIX B**ESCAMBIA COMMUNITY PROFILE 1981-82**

This document is written, printed and published by the Pensacola Area Chamber of Commerce, Pensacola, Florida.

LOCATION: Pensacola, seat of Escambia County, is located in extreme northwest Florida. The City is strategically located along the Gulf Intracoastal Waterway at 30° 28' latitude and 87° 11' longitude. Altitude ranges from sea level to 120 feet above sea level.

AREA: The Pensacola Standard Metropolitan Statistical Area (SMSA) consists of the two westernmost counties in the Florida Panhandle.

Escambia County	657 square miles
Santa Rosa County	1,152 square miles
City of Pensacola	23.13 square miles

There is an additional 64,000 acres of water area. Escambia County extends from the Gulf of Mexico to the Alabama-Florida border, a distance of approximately 50 miles.

HISTORY: Pensacola was founded by Don Tristan de Luna, Colonizer under King Phillip of Spain, on August 14, 1559, six years before the settlement of St. Augustine.

Two years after its founding the settlement was abandoned due to dissension among its inhabitants. One hundred and thirty-five years after its abandonment, the City was resettled by Spanish, and has continued to this day.

In 1718 Pensacola was captured by the French. Within two years the Spanish were again in control. Pensacola remained in the hands of the Spanish for many years until, as a result of a European agreement, it passed into the

hands of the British. In 1781, it was again returned to the control of the Spanish.

The cession of Florida to the United States occurred in 1821 with Andrew Jackson taking possession of the State of Florida in Pensacola. During the Civil War, Pensacola once again changed hands when the City was under control of the Confederate Government. At that time Union forces evacuated Fort San Carlos and Fort Barrancas in favor of the more defensible Fort Pickens on Santa Rosa Island. In 1862 the Confederate Government abandoned the City to the Union Forces and once again Pensacola flew the flag of the United States.

During more than four hundred years of its history the City of Pensacola changed hands 13 times, and the flags of five different nations have flown over its forts-thus, the name, "**City of Five Flags**". This history of the city is celebrated during the month of May in a week long pageant known as the "**Fiesta of Five Flags**".

POPULATION: The Pensacola SMSA ranks eighth in the State in population with Escambia County ranking 11th.

Year	Pensacola SMSA	Pensacola
1970	243,075	59,507
1980	289,782 (+ 19.2%)	57,619(- 3.2%)

DECENNIAL CENSUS INFORMATION 1850-1980

Year	Escambia County	Santa Rosa County	City of Pensacola
1981*	239,391	57,205	57,934**
1980	233,794	55,988	57,619
1970	205,334	37,741	59,507
1960	173,829	29,547	56,752
1950	112,706	18,554	43,479
1940	74,667	16,085	37,449
1930	53,594	14,083	31,579
1920***	49,386	13,670	31,035
1910	38,029	14,897	22,982
1900	28,313	10,293	17,747
1890	20,188	7,961	11,750
1880	12,156	6,645	6,845
1870	7,817	3,312	3,347
1860	5,768	5,480	2,876
1850	4,351	2,883	2,164

*Bureau of Economic & Business Research, U. of F.

**City of Pensacola, Community Design Department

***1920 Census indicated that part of Santa Rosa County was taken to form new counties sometime between 1910 and 1920.

RACE & ETHNICITY: Escambia County racial distribution (1980): 77.7% white, 19.7% Black, 2.7% other.

AGE: Median, Escambia County, 25.5 male; 28.5 female.

INCOME: Escambia County 1979 per capita income \$6,973, ranks 27th in State. 1981 median family income; \$18,900. Percent change in per capita income from 1970-1979 was plus 124.28%. Percent change in median family income \$976-1981 was plus 65.79%.

TOTAL WAGES: Pensacola SMSA, 1981 . . . \$1,253,420,608.

EMPLOYMENT: From the year ending December 1980 to the year ending December, 1981, total employment increased by 5.7% to 106,700. The civilian labor force increased to 113,500. Unemployment increased over the period by 11.5% to a total of 6,800 and the unemployment rate rose to 6.0% (source: Fla. Dept. of Labor & Employment Security, Division of Employment Security, Bureau of Research and Analysis).

WAGE RATES: Wage rate information is available upon request from the Florida State Employment Service, Post Office Box 1393, Pensacola, FL 32596 or at the Chamber.

MOTOR VEHICLE REGISTRATIONS:

Automobiles	137,853
Trucks	33,097
Others	<u>34,396</u>
TOTAL	205,346

UTILITIES: *Electric Power:* Northwest Florida is adequately served with electrical power provided by Gulf Power Company, a subsidiary of the Southern Company. They own 33 modern generating stations in Northwest Florida. Gulf Power Company, Post Office Box 1151, Pensacola, FL 32522, (904) 434-8111. Customer Facility Charge: \$5; October-May 5.610¢ per kilowatt hour. June-September 6.169¢ per kilowatt hour. A deposit of \$75 for new residents plus a connection fee of \$10 is required. Deposits returned after two years. *Telephone Service:* Southern Bell Telephone Company, Post Office Box 1071, Pensacola FL 32595; New Residential Customers: If your name begins with A-L, (904) 436-1201; if your name begins with M-Z, (904) 434-1232. Private Residence Line: \$10.25 per month plus tax. Two-party Residence Line: \$7.90 per month, plus tax. Business installation charge \$97.40 plus tax, for single line. Telephone deposits vary

depending on the number of long distance calls and the basic service charge. *Other Communications systems:* Gulf Coast Electronics, Inc., 3535 West Fairfield Drive, Pensacola, FL 32505, (904) 453-5134. Southland Systems, 40 North Palafox Street, Pensacola, FL 32501, (904) 434-3096. *Public Utilities:* The Escambia County Utility Authority, 9250 Hammon Avenue, Building 942, Pensacola FL 32504, (904) 476-0480 supplies sanitary sewers and water to the metropolitan area. A \$25 deposit is required within city and outside city limits. *Sewage Rates:* City limits: \$2.38 per 1,000 gallons of water. Outside city limits: \$2.98 per 1,000 gallon of water. *Gas Service:* City of Pensacola, Energy Services of Pensacola, Post Office Box 12910, Pensacola, FL 32521, (904) 436-4111. \$35 deposit and \$5 connection fee required in advance.

CLIMATE: Pensacola is situated in a warm temperate zone, and its climate is typical of the region along the upper Gulf Coast. The winters are mild and the summer heat is tempered by the southerly prevailing winds from the Gulf of Mexico. The City averages 348 days of the year in which sunshine occurs. The average annual percentage of sunshine is 66%. Unusual weather phenomena such as hurricanes and tornadoes have occurred, but such phenomena are far less frequent or severe than in many other parts of the Southeast. Late summer and fall are the seasons of highest winds.

AVERAGE MONTHLY TEMPERATURES

Month	Average Temperature	Average Maximum	Average Minimum
January	53.5	62.3	44.6
February	56.1	65.2	46.9
March	61.0	70.2	51.8
April	67.9	76.5	59.3
May	75.5	84.0	66.9
June	81.1	89.3	72.8
July	81.7	89.2	74.1
August	81.5	89.2	73.8
September	78.2	85.9	70.5
October	70.4	79.6	61.1
November	59.5	69.3	49.7
December	54.3	77.0	45.3
Yearly Averages:	68.4	77.0	59.7

AGRIBUSINESS: 1981 total gross value \$28,970,000. 82,500 acres, planted with soybeans, corn, wheat, oats, cotton, vegetables, fruits and nuts and sorghum yielded a gross value of \$16,886,000. Gross value in livestock (beef, swine and dairy) was \$5,209,000 in 1981. Ornamental horticulture and forestry yielded a gross value of \$6,875,000.

MAJOR EMPLOYERS IN THE PENSACOLA METROPOLITAN AREA

Company	Product	Number of Employees
Federal Government		10,900
Local and State Government		14,800
Monsanto Textiles Company	Nylon	5,000
Baptist Hospital	Hospital	1,880
St. Regis	Paper Products	1,800
Sacred Heart Hospital	Hospital	1,560
West Florida Hospital	Hospital	1,545
Gulf Power Company	Electric Utilities	1,432
Southern Bell	Telephone Service	1,000
American Cyanamid	Acrylic Fiber	650
Armstrong World Industries	Acoustical Ceiling Tiles	650
Sears and Roebuck	Department Store	650
Westinghouse Electric Co.	Nuclear Reactor Components	640
Vanity Fair	Clothing Manufacturer	565
Gayfers	Department Store	500
Medical Center Clinic	Clinic	479
Air Products	Industrial Chemicals	470
Lewis Bear Co.	Wholesale Distributors	403
Pensacola News-Journal	Newspaper	306
University Hospital	Hospital	300
Instrument Control Services	Instrumentation	268
Reichhold Chemical	Chemicals	205

CONSTRUCTION: 1981 Permits issued for 1472 residential units totaling \$58,074,349. 129 commercial permits issued totaling \$22,107,428.

PLANNING AND ZONING: The City of Pensacola's Department of Community Design and Planning is responsible for maintaining and updating a comprehensive City Plan for Pensacola. The City does have zoning ordinances and subdivision regulations. The Escambia County Division of Community Development has the primary function of promoting orderly growth within the County. *Inspections:* City maintains and enforces up to date codes for building, electrical, plumbing and gas in-

stallations. The Standard Building Codes of the Southern Building Code Congress are applicable. County codes apply only to the area outside the city limits, and cover new construction, alterations and additions.

HOUSING: Total of 3947 properties available as of May 17, 1982 ranging from \$30,000 - \$101,000 plus. Properties include houses, duplexes, condominiums, townhouses and mobile homes. A list of Chamber member realtors is available upon request.

FINANCE: Escambia County has 12 commercial banks with 35 locations and total deposits of \$506,690,000 (6/30/81) and debits totaling \$1,984,659,800 (1/82). *Savings and Loan Associations:* Three savings and loan associations with 14 locations and deposits totaling \$443,534,000. *Credit Unions:* 28 credit unions with assets totaling \$292,600,000.

RETAIL TRADE: Total retail sales totaled \$1,170,779,000 in 1980. Major shopping areas include: Cordova Mall (80 retail stores), University Mall (81 retail stores), Westwood Mall (23 establishments), Town and County Plaza (63 retail stores). Other shopping facilities include: Warrington Village, Fairfield Plaza, Ensley Square, Downtown Pensacola, and Ferry Pass Plaza.

MILITARY: Pensacola has a special advantage in the calibre and strength of its military bases. Known since 1914 as the "Cradle of Naval Aviation," Pensacola is the home of the Naval Air Station, the Naval Air Rework Facility (NARF) and the USS Lexington. Other Navy installations in Pensacola include Saufley Field and Corry Station. Whiting Field is located in Milton, Florida, about 20 miles northeast of Pensacola. Over 24,000 military and civilian personnel earn payrolls in excess of \$297 million

annually. Pensacola is especially proud to be the home of the famous Naval flight demonstration team "**The Blue Angels**".

Of special interest is the Naval Aviation Museum, which contains hundreds of artifacts, exhibits and stories of the history of flight. The museum is open 9 a.m. to 5 p.m. daily, no admission charge.

GOVERNMENT: *City:* The City of Pensacola has a Council-Manager form of government, with ten councilmen elected for two year terms. The City Manager is appointed by the Council, and the Mayor is elected by the Council. Pensacola's bond rating is A-Moody's with a \$48.9 million budget. *County:* Escambia County has a five person Board of Commissioners elected for four year terms. The County Administrator is appointed by the Commission. The County's bond rating is also A-Moody's, with a \$82.9 million budget. County-total taxable value - \$2,682,602,290. City-estimated actual value \$1,052,451,000.

TAXATION: Unemployment Compensation Rate: 2.7% on employee's first \$6,000 earned (normally \$162.00 per employee per year). Workmen's Compensation: Varies by job classification. Corporate Income Tax: State tax of 5% on Florida's portion of adjusted Federal income. Florida's portion is determined by a formula using three factors. State Income Tax: **THERE IS NO STATE PERSONAL INCOME TAX IN FLORIDA.** Pensacola City Taxes: 22.92 mills or \$22.92 per \$1,000 of assessed value. Real property is assessed at 100% of assessed value. Homestead Exemption is available to all resident property owners. Escambia County Taxes: 18.988 mills or \$18.98 per \$1,000 of assessed value. Sales and Use Tax: 5% of the total price on the retail sale or rental of tangible personal property; no sales tax on groceries or drugs.

LAW ENFORCEMENT: *Police Department:* The City of Pensacola Police Department employs 133 sworn personnel, 48 support staff for a total of 181; 76 vehicles and 1 boat.

Florida Highway Patrol: Pensacola is a subdistrict headquarters for the Florida Highway Patrol, employing 48 officers and 50 vehicles.

Florida Marine Patrol: Pensacola is location of District office 11, covering Escambia, Santa Rosa and Okaloosa Counties. They employ 18 personnel, are equipped with 13 boats, 2 airplanes and 1 helicopter.

Sheriff's Department: The Escambia County Sheriff is an elected official, whose office employs 220 law enforcement officers and 230 vehicles.

FIRE DEPARTMENT: The City of Pensacola Fire Department numbers 139 persons, with jurisdiction extending to all incorporated areas of Pensacola. The Department has 6 fire stations and 17 pieces of equipment. In Escambia County some 15 volunteer fire departments and more than 500 volunteer firefighters work within the County. Together they have more than 50 pieces of firefighting equipment and class five to ten rating.

TRANSPORTATION: *Air Service:* Civilian all weather airport: Airlines serving Pensacola - Air Florida, Continental, Eastern, Texas International. Commuter airlines serving Pensacola: Dolphin, Scheduled Skyways. Number of scheduled flights: Air Florida-in- 3 daily; out-3 daily. Continental-in-2 daily; out-2 daily. Eastern-in 9 daily; out-9 daily. Texas International-in 2 daily; out-2 daily. Dolphin-in-2 daily; out-2 daily. Scheduled Skyways-in-1 daily; out-1 daily. Longest Runway-7,000 feet. Distance Downtown: 4 miles. Jet Fuel Available: 100 Jet A. *Rail*

Service: Burlington Northern, (904) 432-6185. SCL/L&N, (904) 434-2783. Freight Service. *Bus Service:* Inter-city: Greyhound and Trailways. Local Bus Service: Escambia Transit System (ETS). ETS has a fleet of 27 busses serving an area of 91 square miles with a route system of 283 one way miles. Estimated passengers in 1981: 1,600,000. For information regarding routes and charter information, call ETS at (904) 436-9383.

PORT OF PENSACOLA: The port of Pensacola is among North America's oldest and includes major terminals located on the largest protected Bay in the south. Because of its strategic location at the extreme western tip of Florida on the Gulf of Mexico, Pensacola has several competitive advantages over other ports of the Upper Gulf Coast. The bay is approximately 12 1/2 miles wide. It may be entered from the Gulf day or night through dredged channel with a depth of 33 feet at mean low water and a minimum width of 500 feet. Santa Rosa Island lying between Pensacola Bay and Gulf forms a natural breakwater for the inner harbor. Natural depths in the bay range from 20 to 45 feet and, except at its mouth and alongside of docks, no maintenance is required. There are no bridges between the city port and open seas. The port is served by four steamship agencies, 6 freight forwarders, appropriate government agencies, chandlers, marine surveyors and the necessary facilities for modest ship or barge repair. Total tonnage passing through the port during fiscal year 1981 was 1,354,790 net tons. Net tons exported: 1,079,491; net tons imported: 275,299.

HIGHWAYS: Pensacola is served by four major federal highways providing easy access from the north, east and west. Interstate 10 is a transcontinental east-west superhighway stretching from Jacksonville to Los

Angeles. Supplementing I-10 as a major east-west transcontinental artery is U.S. 90 (Old Spanish Trail). U.S. 90 runs from St. Augustine to San Diego. U.S. 98 (Gulf Coast Scenic Highway) is another east-west artery starting at West Palm Beach and running to Natchez, Mississippi. U.S. 29 is a direct route to the Northeast, which connects with I-65 at the Northern entry to Escambia County. It originates in Pensacola and terminates in Washington, D.C. Interstate I-100 is a major spur off I-10 to downtown Pensacola and the beach areas.

HIGHWAY MILEAGE TO SELECTED CITIES

City:	Miles:	Driving Hours:
Atlanta, GA	368	7.3
Chicago, IL	800	16.0
Los Angeles, CA	2,102	42.0
Miami, FL	693	13.8
Mobile, AL	60	1.0
Montgomery, AL:	170	3.4
New Orleans, LA	200	4.0
New York, NY	1,289	25.7
Tallahassee, FL	200	4.0

MOTOR FREIGHT: Pensacola is served by 17 motor freight carriers and several contract and special commodity haulers. All of the common carriers maintain local freight terminals and all provide store-door delivery service.

EDUCATION: *University of West Florida*-enrollment, 5,000; Graduate Schools-*University of West Florida*. *Pensacola Junior College*-enrollment, 19,958 and 2 private four year colleges, *Liberty Bible College* and *Pensacola*

Christian College. *Elementary Schools*-42; *Middle Schools*-11; *High Schools*-8; 21 private and parochial schools; over 40 day care centers. All high schools in Escambia County are fully accredited by the Southern Association of Colleges and Secondary Schools. Teachers must meet State Certification requirements. There are 180 days in the school year, which normally begins the Monday before Labor Day and runs through the first week in June. For further information on the Escambia County School District, call (904) 432-6121.

1980-81 SAT Scores

Mean SAT Score Math		Mean SAT Score Verbal	
Escambia County	480	Escambia County	434
Florida	463	Florida	424
Nation	466	Nation	424

Library Systems: The West Florida Regional Library serves the Pensacola SMSA (Escambia and Santa Rosa Counties). The central plant is located in Pensacola at 200 West Gregory Street, with four branches. The system includes one bookmobile and one outreach van with estimated monthly circulation of 55,000. Total volumes, 301,432.

John C. Pace Library, University of West Florida, contains more than 400,000 volumes and 550,000 microfilms. The Library is a regional depository for publications of the U.S. government and the State of Florida.

Pensacola Junior College Library system encompasses the main campus, the Warrington Campus and PJC Milton Center with 114,000 volumes and 8,000 audio-visuals.

HEALTH CARE: Seven hospitals, including a U.S. navy regional medical facility, are located in the Pensacola area, providing approximately 1900 beds. The number of beds per 1,000 population is 5.9, compared to 6.5 per 1,000 nationally. There are 320 practicing physicians and 98 dentists.

Among the many services provided by the area's hospitals are: a children's medical center, perinatal clinic, neonatal intensive care center, a surgical center, cancer treatment center, spinal cord injury and Gulf Region poison control center.

Major hospitals include:

Baptist Hospital has 535 beds and is the largest facility in Pensacola. The hospital operates a 24-hour a day Life Flight helicopter service.

Sacred Heart Hospital has a total of 375 beds and includes a 62-bed children's hospital. One of the state's seven neonatal intensive care centers is located at Sacred Heart.

University Hospital Clinic is a 130-bed facility owned and operated by the county. *West Florida Hospital*, the area's newest facility, is a 400 bed full service hospital. The Medical Center Clinic, a group practice comprised of over 80 specialists, is located adjacent to the hospital. Because of the medical specialization at the Clinic, West Florida Hospital draws nearly 50 percent of its patient load from outside the County.

The State Board of Health, the City of Pensacola and Escambia County Health units are active in various phases of public health. The Pensacola area is also served by the Rehabilitation Institute of Northwest Florida and the Community Health Association of Escambia County.

Emergency ambulance service in Escambia County is provided by the Ambulance Division of Escambia Medical Services. The Emergency Communications Center dispatches calls for medical, fire and disaster assistance. Forty-four full time registered Emergency Medical Technicians, including 20 Certified Paramedics, staff five ambulance 24 hours a day. Four ambulances are located in Pensacola and one in northern Escambia County at Century. In 1981 requests for ambulance service totaled 13,307 of which 2,210 were Advanced Life Support calls.

TOURISM: 1980 figures from the state Division of Tourism reflects 1,791,400 visitors to the Pensacola area. The economic impact of tourism is approximately \$250,000,000.

There are 600 acres of public parks in the City of Pensacola and 480 in Escambia County. Tennis buffs will enjoy 34 public courts and there are 9 golf courses; 2 public, 2 semi-private and 5 private. A full range of sports activities is available from the obvious fishing, water sports and diving to hunting, horseback riding, motorcross, racquetball, handball, dog racing, stock car racing, high school and college athletics and semi-pro football.

Clear blue water, mild surf, gently sloping beaches, magnolias, a rich history dating back to the 16th century Spanish explorations of the New World are all offered in the Gulf Island National Seashore. Pensacola Beach, acclaimed as "the World's Whitest Beach", offers surfing, swimming, sailing, crabbing, skiing, shell collecting and fishing from the "World's Longest Fishing Pier". Pensacola Beach is located off U.S. 98E on Santa Rosa Island.

Pensacola Historic District: The rich history of Pensacola is constantly cared for by its citizens. Gracious homes, brick streets, and museums enhance the historical

flavor of Pensacola. Included in this district are: the Old Christ Church, completed in 1821, houses the city's historical museum; West Florida Museum of History, originally constructed for use as a warehouse; Transportation Museum, where wagons, carriages, fire engines and a street scene from Pensacola's past are displayed. The Hispanic Building includes the history and development of Northwest Florida. Seville Square Historical District includes shops, galleries, restaurants, and museums in keeping with Pensacola's rich historical past. St. Michael's Cemetery, deeded by St. Michael's Roman Catholic Church, provides a visible record of Pensacola's earlier years.

MOTELS: Escambia County has 57 motels with 3,132 units.

RESTAURANTS: A wide range of dining pleasures can be found in Pensacola's restaurants. Easily accessible to all are restaurants featuring outstanding regional and traditional American dishes and a diverse representation of international cuisine.

CHURCHES: Pensacola is a community rich in religious heritage and practice. More than 245 churches and synagogues represent some 30 denominations.

COMMUNICATIONS MEDIA: *Newspapers:* Daily: The Pensacola Journal (morning); The Pensacola News (evening). Circulation: Morning, 59,000; evening, 16,000; Sunday News-Journal, 72,000; Post Office Box 12710, Pensacola, FL 32574. Weekly, Commercial News, P.O. Box 2237, Pensacola, FL 32503; Escambia County Beacon, P.O. Box 12157, Pensacola, FL 32590; Gulf Breeze Sentinel, P.O. Box 967, Gulf Breeze, FL 32561; The Press-

Gazette, P.O. Drawer 607, Milton, FL 32570; The Pensacola Voice, 213 East Yonge St., Pensacola, FL 32503; The New American, P.O. Box 422, Pensacola, FL 32592; Escambia Sun Press, P.O. Box 4625, Pensacola, FL 32507; The Islander, P.O. Box 292, Gulf Breeze, 32561.

AM Radio Stations: WBOP 980; WBSR 1450; WCOA 1370; WHYM 610; WNVY 1230; WPFA 790.

FM Radio Stations: WJLQ 100.7; WMEZ 94.1; WOWW 107.3; WTKX 101.5; WUWF 88.1; WXBW 102.7; WPCS 89.3.

Television Stations: WEAR, channel 3, ABC; WSRE, channel 23, PBS; WKRG, channel 5, CBS; WALA, channel 10, NBC; WPMI, channel 15, Independent. Cable television is available with 11 channels and Home Box Office.

CULTURAL ATTRACTIONS: The 1925-era Saenger Theatre has enjoyed an overwhelmingly successful first season after its restoration. From September 1981, when the theatre opened to the sounds of the Duke Ellington Orchestra and champagne toasts, through April 1982 when Broadway's A CHORUS LINE packed the house, over 60,000 people were entertained in the 1,761-seat theatre.

During the summer, the theatre features classic films every weekend, plus Pensacola Junior College's summer musical. The Saenger will continue to be the toast of Pensacola as its 1982-83 season brings ANNIE, the Atlanta Symphony, A CHRISTMAS CAROL, Western Opera Theater, THE GLASS MENAGERIE, Alabama Shakespeare, GIVE 'EM HELL HARRY, Carlos Montoya, CHILDREN OF A LESSER GOD, The Vienna Choir Boys, the 1940's RADIO HOUR, Ferrante and

Teicher, ANGEL STREET, Big Band Calvacade, Tamburitzans, six travel films, the Florida Junior Miss Pageant, musicals by PJC and the University of West Florida, and much, much more.

The Pensacola Arts Council was founded in 1967 to guide, coordinate and promote cultural activities. The Council contributes to the Pensacola Symphony, the Pensacola Little Theatre, Oratorio Society and the Pensacola Museum of Art. The PAC sponsors the Great Gulf Coast Arts Festival in November each year. Begun ten years ago, the juried art show is limited to 200 artists. An estimated 120,000 persons attended last year's festival. The Pensacola Symphony presents five performances throughout the year; the Pensacola Oratorio two; the Pensacola Little Theatre stages five plays on three consecutive weekends during the year. The Pensacola Museum of Art, 407 South Jefferson is open Tuesday-Saturday, 10 a.m. - 5 p.m.

The University of West Florida and Pensacola Junior College also present cultural activities throughout the year. Other special events include: *January*: Camelia Show; Florida Junior Miss Pageant; *February*: Mardy Gras, Heart Fund Run; *March*: Escambia County Special Olympics, Pensacola Hunter Jumper Show, Escambia County Community Games; *April*: Five Flags Speedway seasons opens, Hospitality Night at the Races, Greyhound Racing Season opens, Greater Pensacola Orchid Show; *May*: Pensacola Charity Horse Show, Outdoor Show, American Amateur Golf Classic; *June*: Coon Hound Championships/Bench Show, Pensacola Hunter Jumper Show, Pensacola Shark Rodeo; *July*: Pensacola International Billfish Tournament, Big Bang (4th of July), Southern Juniors Golf Championship; *August*: Ladies Billfish Tournament, Gulf Coast Masters Invitational Billfish Tournament, Depression Glass Show; *September*:

Seafood Festival, American Amateur Tennis Classic, National Hunting & Fishing Day, Fiesta of Five Flags Antique Show & Sale, Pensacola Hunter Jumper Show, Great Gulf Coast Gumbo Cookoff; *October*: St. Anne's Western Roundup, Greyhound season ends; Pensacola Interstate Fair, National Women's Clay Court Tennis Tournament; *November*: Great Gulf Coast Arts Festival, Greek Festival Bazaar, Escambia County Junior Miss Pageant, Blue Angels Air Show, Jerry Pate Boy Scouts Tournament; *December*: Winston Snowball Derby, Pensacola Hunter Jumper Show.

APPENDIX C
ECONOMIC PROFILE
BURKE COUNTY COMMUNITY 1982
PREPARED AND PUBLISHED BY THE
BURKE COUNTY CHAMBER OF COMMERCE,
WAYNESBORO, GEORGIA

LOCATION:

City of Waynesboro, Burke
County, 159 miles East
of Atlanta.

COMMERCIAL SERVICES

COMMUNICATIONS. Local Newspapers: 1 weekly. Other dailies delivered: Atlanta Constitution, Atlanta Journal, Augusta Herald, Savannah Morning News, Savannah Evening Press. 4 TV channels received (cable available). Local radio stations: 1 AM, 1 FM.

FINANCIAL FACILITIES. 4 banks with \$62.6 million assets. 1 S&L branch with \$321.9 million assets.

INDUSTRIAL SUPPORT SERVICES. Tool & die services, machine shops, fabricating, plating.

PUBLIC ACCOMMODATIONS. 4 restaurants (largest capacity, 100). 1 hotel (40 rooms). 1 motel (21 units). 7 meeting facilities (largest seats 200).

EDUCATION

COUNTY ELEMENTARY/SECONDARY SCHOOLS. 9 public schools with 250 teachers and 4,100 students. 189 high school graduates. 3 area private schools with 40 teachers and 577 students.

HIGHER EDUCATION. Area vo-tech: Augusta at Augusta (31 miles) with 2,640 students. Jr. college:

Emanuel County at Swainsboro (25 miles) with 378 students. 4-year college: Augusta College at Augusta (31 miles) with 3,825 students.

HEALTH

1 hospital (57 beds). 6 MDs. 4 dentists. County public health department. Burke County Emergency Medical Service. Burke County Health Facility. Keysville Convalescent & Nursing Center.

INCOME

PER CAPITA INCOME

	COUNTY	STATE	U.S.
1970	1,956	3,300	3,893
1975	3,420	5,029	5,861
1978	4,241	6,825	7,846
1979	5,217	7,627	8,757

MUNICIPAL SERVICES

FIRE PROTECTION. 6 full-time and 10 volunteer fire personnel. Protection outside city limits. Fire insurance classification 6.

POLICE PROTECTION. 19 full-time city police personnel and 26 county personnel. Protection outside city limits.

GARBAGE. Service provided by city.

PROFESSIONAL ENGINEER. None.

ZONING. City has a planning commission and zoning ordinance. Burke County has a Land Development Code.

POPULATION

	CITY	COUNTY	STATE (mil)	U.S. (mil)
1950	4,461	23,458	3.4	151.3
1960	5,359	20,596	3.9	179.3
1970	5,530	18,255	4.6	203.2
1980	5,760	19,349	5.3	222.2

RECREATION (COUNTY)

HIGHLIGHTS. 1 swimming pool. 4 tennis courts. 1 country club. 4 softball fields. 2 football fields. 2 outdoor basketball courts.

STATE PARK. Magnolia Springs (13 miles) has swimming, fishing, camping, water skiing, motor boating.

PUBLIC LAKE/RIVER. Clarks Hill Lake and Dam (50 miles) 1,200 miles of shoreland.

YEARLY EVENTS. Field Trials, "Bird Dog Capitol of the World".

SCENIC ATTRACTIONS. Historical landmarks.

TAXES

PROPERTY. Property taxes are determined by tax rates and assessment ratios, which vary by location. The only realistic way to compare property taxes for different locations is to use "effective tax rates" (tax rate multiplied by assessment ratio). Effective tax rates combine city, county, school, and state tax rates into one convenient figure — the yearly tax for each \$1,000 of property at its fair market value. This rate applies to land, building, machinery, equipment, inventory, and retail inventory.

PROPERTY LOCATED	EFFECTIVE 1981 RATE
Within city	\$9.23
Outside city	4.03

RETAIL SALES TAX. City and county have 1% local sales tax in addition to the 3% state sales tax.

TRANSPORTATION

AIR. Nearest commercial service at Augusta (31 miles). Airlines: Delta. Public airport: Waynesboro (3 miles S.). Type runway: Asphalt. Length: 3,200 ft. Services: aircraft tiedown, lighted runway.

MOTOR FREIGHT CARRIERS. 7 interstate. 2 intrastate.

RAIL. Southern Railway. Piggyback ramp at Augusta (31 miles).

WATER. Nearest navigable river: Savannah River (15 miles). Channel depth: 9 ft. Nearest public barge dock: Augusta (31 miles). Nearest seaport: Savannah (101 miles). Maintained channel: 38 ft.

UTILITIES

ELECTRICITY. A part of the state's modern, integrated electrical transmission system, Waynesboro has excellent ability to supply industrial demands of electricity. Compared to 47% for the U.S., coal accounts for 84% of fuel used in the state's power generating plants, thereby assuring long-term continuity.

NATURAL GAS. Supplied by Southern Natural Gas Company and available in industrial quantities on an interruptible basis.

WATER. Plant capacity 2,700,000 gal/day. Consumption (gal/day) 953,000 average; 1,119,000 maximum. Elevated storage capacity 600,000 gallons; ground storage capacity 250,000 gallons. Source: 1 deep well with pumping capacity of 800 gal/min. Briar Creek. Daily flow (cu ft/sec): 269 average, 108.3 minimum.

SEWAGE. Plant capacity 1,000,000 gal/day. Present load 630,000 gal/day. Oxidation filter treatment plant.

1981 INDUSTRY MIX BURKE COUNTY AREA

RANKED BY WAGE

ALL INDUSTRIES

INDUSTRY	ESTAB	EMPLOYMENT	% AREA	% FEMALE	WEEKLY WAGE
Mining	2	240	1%	—	\$ -
Transportation/Public Utilities	141	5,111	5	—	336
Construction	494	6,369	6	—	285
Wholesale Trade	334	4,114	4	—	271
Manufacturing	261	24,987	24	55%	261
Public Administration	301	5,567	5	—	239
Finance/Insurance/Real Estate	360	4,151	4	—	238
Service	1,378	34,315	33	—	223
Agriculture/Forestry/Fishing	65	2,982	3	—	220
Retail Trade	1,296	15,844	15	—	154
All Others	25	66	1	—	—
TOTAL	4,657	103,746	100%	NA	\$234

MANUFACTURING

Chemicals	26	1,471	6%	56%	\$450
Paper	10	1,940	8	63	440
Transportation Equipment	2	592	2	20	—
Food	39	2,758	11	61	275
Stone/Clay/Glass/Concrete	22	2,142	9	58	275
Nonelectric Machinery	4	2,246	9	41	267
Instruments	7	3,884	16	42	232
Textiles	7	3,884	16	42	232
Fabricated Metals	24	1,456	6	26	225
Printing	24	656	3	44	221
Lumber	36	1,364	5	21	211
Electric Machinery	2	96	1	32	—
Rubber/Plastics	3	310	1	62	177
Furniture	5	647	3	61	158
Apparel	25	4,258	17	87	155
Petroleum Refining	1	20	1	90	•
Leather	1	20	1	5	—
Primary Metals	1	20	1	5	—
Miscellaneous Manufacturing	6	272	1	65	—
TOTAL	261	24,987	100	55%	\$261

29a

Counties: Burke, Emanuel, Jefferson, Jenkins, Richmond, Screven.

Source: Georgia Department of Industry and Trade, 1982.

MAJOR BURKE COUNTY MANUFACTURERS

INDUSTRY	COMPANY	PRODUCT	MALE	FEMALE	TOTAL
CHEMICAL	Gough Gin & Fertilizer (Gough)	Chemicals	14	1	15
	Waynesboro Fertilizer Co. (Waynesboro)	Fertilizer	8	1	9
FABRICATED METAL	Cowart Iron Works, Inc. (Midville)	Structural Steel	35	2	37
	Keller Ladders of Georgia (Waynesboro)	Aluminum Ladders			46
	Waynesboro Industries, Inc. (Waynesboro)	Food Service Equip.			125
LUMBER	ITT Rayonier, Inc. (Midville)	Timber	37		37
	Sardis Lumber Company (Sardis)	Timber	13	1	14
	Kimberly-Clark Corp., Southeastern U.S. Forest Products Co. (Waynesboro)	Lumber			220
	Talley Corbett Box Co. (Waynesboro)	Wood Products	15	15	30

APPAREL	Burke Manufacturing Co. (Waynesboro)	Men's & Boy's Jackets	19	157	176
	Samson Manufacturing Co. (Waynesboro)	Curtains & Draperies			380
PRINTING	Roy F. Chalker Publishing Co. (Waynesboro)	Newspaper Printing	12	18	30
	The True Citizen (Waynesboro)	Newspaper Printing	2	10	12
NON-ELECTRIC MACHINERY	Midville Tool & Die Co. (Midville)	Jigs, Fixtures & Machinery	9	0	9
ELECTRIC MACHINERY	Perfection Products Co. (Waynesboro)	Room Heaters			200
FURNITURE	Keller Aluminum Furniture of Georgia (Waynesboro)	Aluminum Furniture			175
CONCRETE	Builders Supply Co.	Ready Mix Concrete	4	1	5
	McKinney Wholesale Co., Inc. (Waynesboro)	Concrete Building Materials			10
	Waynesboro Concrete Products Co., Inc. (Waynesboro)	Concrete Products	7	1	8